

REMARKS/ARGUMENTS

In the Office Action mailed June 26, 2008, claims 1 – 13 were rejected. Additionally, claims 2, 3, 7, 8, 11, and 12 were objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended claims 1, 6, and 10. Applicant hereby requests reconsideration of the application in view of the amended claims and the below-provided remarks. No claims are added or canceled.

Allowable Subject Matter

Applicant appreciates the Examiner's review of and determination that claims 2, 3, 7, 8, 11, and 12 recite allowable subject matter. In particular, the Office Action states that claims 2, 3, 7, 8, 11, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has not rewritten the claims at this time in view of the below provided remarks.

Additionally, while the Office Action provides a statement of reasons for the indication of allowable subject matter, the Office Action's statement is directed to specific aspects of certain claims and not necessarily all of the claims. Applicant notes that the Office Action's comments may have paraphrased the language of the claims and it should be understood that the language of the claims themselves set out the scope of the claims. Thus, it is noted that the claim language should be viewed in light of the exact language of the claim rather than any paraphrasing or implied limitations thereof.

Claim Rejections under 35 U.S.C. 112, second paragraph

Claims 1 – 13 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states that "the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors."

In response, Applicant has amended claims 1, 6, and 10 to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claims 1, 6, and 10 have been amended to more clearly identify the elements of the device (claim 1), the antenna configuration (claim 6), and the circuit (claim 10). Claims 1, 6, and 10 have also been amended to parenthetically identify the different impedance, reactance, and resistance values, which are clearly identified in Fig. 1 and throughout the text of Applicant's specification. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim Rejections under 35 U.S.C. 102

Claims 1, 4 – 6, 9, 10, and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by Gaul et al. (U.S. Pat. No. 6,533,179, hereinafter Gaul). However, Applicant respectfully submits that these claims are patentable over Gaul for the reasons provided below.

Claim 1

Applicant expressly admits that all of claim 1 up to the phrase starting with “characterized in that” is known in the prior art. See in particular, Applicant's specification at paragraphs [0001] and [0004] (Pat. Pub. No. 2006/0054686 A1). Applicant expressly points out that which is new in paragraph [0008]. With respect to claim 1, Applicant asserts that the distinguishing limitations are:

“characterized in that one of the two impedances (ZA, ZS) has a resistance (XA, XS) whose value is greater than a nominal resistance value (X_{NOM}) that is adapted from the transmission of power between the antenna configuration and the circuit and is smaller than a maximum resistance value (X_{MAX}) that is a function of the difference in the reactance value (ΔY).”

The support provided in the Office action for the rejection of claim 1 is “See col. 6, line 51 to col. 7, line 50; col. 8, line 8 to col. 9, line 41; col. 11, line 7 to col. 12, line 66.” This support is applied generically to the rejection of all of the limitations of claim 1. Applicant asserts that although Gaul may disclose many similar elements to claim 1, Gaul does not disclose the above-identified distinguishing limitations of claim 1.

Firstly, the Office action does not specifically correlate citations in Gaul to the above-identified distinguishing limitations. Therefore, it is difficult to identify which of the cited sections of Gaul disclose the specific above-identified distinguishing limitations of claim 1.

Secondly, Applicant has reviewed the citations in detail and has found no disclosure of the above-identified distinguishing limitations. Col. 6, line 51 to col. 7, line 50 discloses general information about the data transceiver (1) and the portable data carrier (2). Col. 8, line 8 to col. 9, line 41 discloses certain characteristics of the data transceiver and the portable data carrier when the two are electrically coupled. However, this section does not disclose the specific above-identified distinguishing limitations of claim 1. Col. 11, line 7 to col. 12, line 66 discloses characteristics of the data transceiver, including the insertion of additional loss resistance between the resistor R and the resistor R_F of the antenna (6). However, this section does not disclose the specific above-identified distinguishing limitations of claim 1.

Independent Claims 6 and 10

Applicant respectfully asserts that independent claims 6 and 10 are patentable over Gaul at least for similar reasons to those stated above in regard to the rejection of independent claim 1. Here, although the language of claims 6 and 10 differs from the language of claim 1 and the scope of claims 6 and 10 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claims 6 and 10.

Dependent Claims 2 – 5, 7 – 9, and 11 – 13

Claims 2 – 5 are dependent on claim 1, claims 7 – 9 are dependent on claim 6, and claims 11 – 13 are dependent on claim 10. Applicant respectfully asserts that claims 2 – 5, 7 – 9, and 11 – 13 are allowable based on an allowable base claim.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

/mark a. wilson/

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Mark A. Wilson

Reg. No. 43,994

Wilson & Ham

PMB: 348

2530 Berryessa Road

San Jose, CA 95132

Phone: (925) 249-1300

Fax: (925) 249-0111